

In re application of
Baird et al.
Application No.: 09/372,475

Atty. Dkt. No. 238/168
(039143-1201)

REMARKS

This communication is responsive to the Office Communication dated July 11, 2005, wherein formal matters were presented in accordance with practice under Ex parte Quayle.

By the present communication, the claim of priority has been amended as described in the **Amendments to the Specification** section above. Specifically, in view of the subject matter of the claims indicated as allowable, Applicants disclaim priority to PCT/US97/03332 and PCT/US97/12722. In conjunction with the amendment of priority, a replacement declaration and Application Data Sheet are provided herewith.

In addition, by the present communication the description of Figures 7, 10 and 11 has been amended to define Applicants' invention with greater particularity.

The subject amendments add no new matter. Accordingly, entry of the above **Amendments to the Specification** is respectfully requested.

In response to the requirement for a new oath, a replacement declaration is provided herewith reflecting the revised claim of priority. Entry of the replacement declaration (and companion ADS) is respectfully requested.

The Examiner's assertion (Office Action, page 2, paragraph 2) that the specification beginning at page 8 does not describe the subparts of Figures 7, 10, and 11, is respectfully traversed. The original language is submitted to be clear. However, in an effort to reduce the issues and move the application forward, the specification has been amended as described in the **Amendments to the Specification** section above.

Applicants respectfully submit that the instant application is in condition for allowance and request favorable action. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and/or telephone number listed below so that a rapid resolution can be achieved.

In re application of
Baird et al.
Application No.: 09/372,475

Atty. Dkt. No. 238/168
(039143-1201)

This response is filed timely as it is accompanied by a petition under 37 C.F.R. § 1.136(a) for a three-month extension of time. It is believed that no additional fees are due in connection with this submission. In the event this is not correct, the undersigned authorizes the Commissioner to charge Deposit Account No. 50-0872.

Respectfully submitted,

Date 12/12/05

By SEA

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6700
Facsimile: (858) 792-6773

Stephen E. Reiter
Registration No. 31,192 for
Richard J. Warburg
Registration No. 32,327
Attorney for Applicant

Enclosures:

- (A) Declaration for 09/372,474
- (B) Application Data Sheet for 09/372,474